

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q71975

Levon ARAKELYAN, et al.

Appln. No.: 10/662,345

Group Art Unit: 1631

Confirmation No.: 2068

Examiner: Lori A Clow

Filed: September 16, 2003

For: A METHOD FOR OPTIMIZING THE EFFICACY OF CLINICAL TRIALS DURING
DRUG DEVELOPMENT

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on
August 10, 2009:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was mailed September 11, 2009.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: All Pending.
3. Identification of art discussed: None
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None

6. Indication of other pertinent matters discussed: Discussed rejection Under 35 U.S.C. § 101 and the decision in *In re Bilski*. Discussed the “transformation” prong of the machine-or-transformation test with respect to the claims. It was also suggested that specifically recited computer elements in the claims would suffice to overcome the rejections of record. It was agreed by the Examiner that there was a physical transformation step in Claim 1.

7. Results of Interview:

During the interview, the Examiner indicated that the claimed invention involves a “transformation” that satisfies the transformation prong of the “machine-or-transformation” test required in *Bilski*. The Examiner understood that although the presently claimed method involves a mathematical algorithm, the algorithm is used to transform the data obtained *in vitro* or *in vivo* from a pre-clinical or clinical phase to provide an optimal treatment protocol obtained by an interactive clinical design. Nevertheless, the Examiner suggested, for instance, amending claim 1 to further clarify that the claimed invention involves an active step of obtaining *in vitro* or *in vivo* data so that the data that is obtained as part of the method is “transformed” to provide an optimal treatment protocol.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

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It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: October 13, 2009

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